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Written statement* submitted by Make Mothers Matter, a non-governmental organization with general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 June 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Businesses, work family life balance, unpaid care work and women's rights

Make Mothers Matter (MMM) welcomes the opportunity to give input to the discussion on the contents of a future international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises.

MMM recommends that such an instrument puts obligations on businesses with regards to conciliation between paid work and unpaid family care work, non-discrimination against mothers and more generally support for caregivers.

Globalization and the increase in competitive pressure brought about by free trade, the devastating effect of the economic downturn in many countries, as well as high unemployment rates in many countries, have resulted in increased pressure on workers: people are expected to work longer and harder than ever before; and too often, they also have to fight just to retain their job.

Such pressures have a particular negative impact on workers with family responsibilities who have to juggle work and family, especially women: in spite of their increasing labor participation, women continue to assume the bulk of the unpaid work associated with care responsibilities, whether for children, sick relatives, person with disabilities or elderly members of the family.

Mothers around the world all face the same tension between providing financially for their family wellbeing, and assuming the nurturing and care giving responsibilities in their household. It is fair to say that globally, mothers have responded to this pressure by working even harder and toiling more hours to the detriment of their own personal time and health. Yet, they still are paid significantly less than their male counterparts or childless female cohorts.

In fact, mothers are penalized for going on maternity leave, for possibly not putting as much face time at work as men or as their childless peers, for having to turn down jobs that require overtime, for daring to ask for part time work. They are also victims of the perception / stereotype that women with children are not as much "into" their jobs as others because they are distracted by the caring and nurturing requirements in their households.

Not only mothers are devoting time to raising and educating the next generation of workers, but by having children, they are helping to make everyone's retirement more comfortable. Our societies however, make mothers pay an unwarranted penalty for that choice.

Facilitating the balance of work and family life is also a matter of gender equality. As noted by the Committee on the Elimination of all forms of Discriminations Against Women in its General Recommendation No 29, a substantive equality approach between men and women "must address matters such as discrimination in education and employment, the compatibility of work requirements and family needs, and the impact of gender stereotypes and gender roles on women's economic capacity" (paragraph 8).

Tax avoidance, including such practices as shifting profits overseas or assigning patents and licenses to foreign subsidiaries to avoid or minimize taxation, deprive governments from much needed cash to fund public infrastructure development (water and sanitation, energy, transport...), public services provision (like health care, childcare, elderly care…) and universal social protection. This has a disproportionate negative impact on women, whose unpaid care time compensate for the lack of such public services and infrastructure, hampering their ability to participate in the formal economy, which in turn prevents them from receiving social protection benefits.

Human Rights obligations are the responsibility of States under International Human Rights Law. But as set out in the UN Global Compact initiative, companies around the world are major actors in societies, and they can make significant contributions to the realization of all Human Rights, notably

- Women's rights, including their right to work and economic empowerment
- Children's rights and other care receivers' rights (persons with disabilities, sick or elderly people)

It is in particular essential that Businesses

- Respect international labor standard in each country of operation so that all employees can enjoy "decent work" that leaves enough time and energy for care obligations, while providing adequate living wages that can sustain families, as well as equal pay for equal job

- Respect international Human Rights standards, and notably ensure equal rights and non discrimination against workers with care responsibilities, by notably preventing discrimination against women on the grounds of pregnancy and maternity ("Motherhood penalty")

- Recognize and adapt to the fact that workers, notably mothers, can have seasons in their life, when their family concerns call for more presence and investment, whether for the education and nurturing of children or the care of an elderly member of the family, and seasons when they feel free to work longer hours outside the home ("life cycle approach)

- Recognize the competencies and soft skills acquired and developed in unpaid family care work when assessing reentry on the labor market

- Implement family friendly work environments by:
  - Offering flexibility, notably through flex time and place of work, but also through part time work or job sharing
  - Providing a healthy work environment
  - Accommodating the special needs of pregnant and nursing women
  - Allowing parental leave, for both mothers and fathers that can be taken either fulltime or on a part time basis
  - Facilitating mothers' transition back to work and to remain in the work force
  - Providing on-site childcare facilities

- Look for and implement best practices to better balance work and family life. Business cases for such measures are numerous (MMM has been gathering some of them and has been part of the European reconciliation Package which includes best practices in Europe)

- Pay their fair share of taxes in each country where they operate, as a major contribution to the reduction of poverty and its gendered imbalance.

Each of these recommendations could be part of the international instrument under discussion.

Corporations around the world have to seriously tackle their social responsibility: people's wellbeing is not only a matter of legislation assigned to governments. The private sector has to actively contribute and innovate to make the workplace an effective, equal-opportunity and flexible environment. It is good for the men and women employed, it is also good for businesses: investments in a family friendly work environment result in more committed and more effective employees, and together with a fair contribution to States resources it will contribute to a better image of the company. Research consistently shows that family friendly policies and genuine efforts to close the gender gaps, especially in leadership positions, has a significant impact on a company's performance and competitiveness.